

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of date March 7, 2007.

Record is also made of an interview between applicant's representative and the Examiner which took place on or about May 9, 2007. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed in light of the final rejection of claims 18 to 31.

During the interview, the discussion centered around the "permeability" of the mixing elements and the length of the mixing elements. Applicant proposed some language with respect to "permeability" and suggested using the term porous which the Examiner agreed would be indicating the nature of the material used and would not refer to an opening as in the Ishibashi (U.S. Pat. No. 3,902,704) reference. With respect to the length of the mixing elements, applicant pointed out that the drawings and especially Figure 2 showed the length of the mixing elements as being proximate the cylinder sidewall and that applicant would amend the claim to indicate that. At the time of the interview applicant proposed language such as "...substantially up to..." which the Examiner did not approve at the time. It is applicant's contention that the currently proposed language is fully supported by the drawing and is definite in its terms, namely the mixing elements terminating proximate the cylinder wall.

In contrast the Ishibashi reference shows only short stubby tubes with an opening for release of a fluid.

It is applicant's contention that the presently proposed independent claim 30 patentably distinguishes over the prior art cited by the Examiner. WO 02/055282, the Examiner cited teaches a single opening in the screw through which a gas can be brought into the melt; Ishibashi as alleged by the Examiner teaches several "mixing elements" however short, extending from the screw. A combination of the two references do not show the features of claim 30.

Furthermore, with respect to the length of the mixing elements, support of the length is found in the drawings and applicant is allowed to use features of the drawings in the claims as pronounced by *Cooper Cameron Corp. v. Kvearner Oilfield Products*, 62 USPQ2d 1846 (CAFC 2002).

In view of the above, it is submitted that each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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